

REMARKS/ARGUMENTS

This Amendment is responsive to the Office Action mailed on November 6, 2003. Entry of this Amendment is requested. A Declaration Under 37 C.F.R. § 1.131 by the inventor is attached hereto.

Prior to this Amendment, claims 1-4 and 7-8 were pending and subject to examination on the merits. In this Amendment, claims 4, 7, and 8 are amended, no claims are canceled, and no claims are added so that claims 1-4 and 7-8 are pending.

At page 2 of the Office Action, claims 4, 7, and 8 are rejected as indefinite. According to the Examiner, it is not clear what is meant by a "side rail". Applicant does not agree with this rejection, but have amended claims 4, 7, and 8 to expedite the prosecution. These claims now recite a "side rail structure". Side rail structures are discussed at the top paragraph at page 3 of the specification and an example of such a structure is shown as reference number "53" in the drawings. Withdrawal of the indefiniteness rejection is requested.

Claim 1 is rejected as anticipated by Pavier (US 2002/0096748). Claims 2 and 3 are rejected as obvious over Pavier and Kinsman (U.S. Patent No. 5,789,803). Claim 4 is rejected as obvious over Pavier and Standing et al. (U.S. 2001/0048116). Claims 7-8 are rejected as obvious over Pavier, Standing et al., and Anzai (Jap. Pub. No. 409116070).

Each rejection is based on Pavier as a primary reference. Pavier claims priority to U.S. provisional application no. 60/262,890, filed on January 19, 2001. Accordingly, even assuming *arguendo* that the provisional application's disclosure is co-extensive with the Pavier reference, the earliest possible effective reference date for Pavier is January 19, 2001.

Attached hereto is a Declaration Under 37 C.F.R. § 1.131 by the inventor. As indicated in the Declaration:

The inventions of at least the pending claims were conceived of before January 19, 2001, the earliest noted priority date for Pavier. Evidence of conception is shown by Exhibit A which includes a fax cover sheet dated January 2, 2001 and an accompanying faxed page with Figures 1-3. This two page fax was faxed to me from a patent attorney when the present application was being prepared. A copy of a confirmation sheet for the faxed pages dated January

3, 2001 is also attached. Figures 1-3 in Exhibit A are the same Figures 1-3 that are used in the present patent application and show that embodiments of the invention were conceived of at least as early as January 2 or 3, 2001, which is prior to the earliest possible filing date for Pavier.

As indicated in the Declaration, embodiments of the invention were conceived of before the filing date of January 19, 2001 for Pavier. Accordingly, Pavier is no longer prior art to the present application and withdrawal of the rejections based on Pavier is requested.

CONCLUSION

In view of the foregoing, Applicants believe all claims now pending in this Application are in condition for allowance. The issuance of a formal Notice of Allowance at an early date is respectfully requested.

If the Examiner believes a telephone conference would expedite prosecution of this application, please telephone the undersigned at 415-576-0200.

Respectfully submitted,



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Attachments
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